IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 5339 of 2007(I)

PETITIONER:

KERALA MID-DAY TIMES,
A DAILY NEWSPAPER, HAVING ITS CENTRAL OFFICE AT
SKY BRIGHT BUILDING, M.G.ROAD, RAVIPURAM,
ERNAKULAM, REPRESENTED BY ITS MANAGING PARTNER,
MR. SABU THOMAS VADAKEKUTE.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS:

ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, KALOOR, KOCHI-17.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, E.P.F.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C).No.5339 of 2007-I

Dated this the 19th day of February, 2007.

JUDGMENT

The petitioner has approached this court challenging Exts.P1 and P4 orders. Ext.P1 is an order under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 assessing balance amount due from it towards provident fund. The petitioner has been called upon to pay Rs.81,510/- by Ext.P1. Ext.P4 is a consequential notice issued. Alternatively the petitioner prays it may be given instalment facility to pay the amount.

2. The learned Standing Counsel, upon instruction, submitted that the petitioner being a chronic defaulter no instalment facility could be granted to it. It is also submitted that even the contribution of the workers deducted from their salary has not been paid which will amount to criminal breach of trust and misappropriation.

3. If the petitioner is aggrieved by the demand raised under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, it its remedy is to avail statutory remedies against it under the Act. But, having regard to the submissions of the learned Standing Counsel, the petitioner is granted breathing time to pay the arrears. The petitioner may pay Rs.29,000/- (Rupees twenty nine thousand

only) which is approximately the amount of contribution of the workers within two weeks from today and the balance amount the petitioner may pay within one month thereafter. This direction will not relieve it from the liability to pay current contribution, if any, due. If the amounts are paid as directed above, no coercive steps shall be taken for the amount covered by Ext.P1.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
MS JUDGE.